



Georgia

Country Reports on Human Rights Practices - [2002](#)

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The Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of Parliament. Local and municipal elections were held in June. The elections were marred by irregularities that prevented some eligible voters from participating. International observers criticized the election, citing hasty and poor organization by authorities and inaccurate voter registers. Lengthy recounts prevented the Tblisi city council from convening until November. The 2000 elections in which Eduard Shevardnadze was reelected to a second term as President were also criticized by international observers. Parliamentary elections in 1999 were characterized by the Organization for Security and Cooperation in Europe (OSCE) as a step toward the country's compliance with OSCE commitments. The civil war and separatist wars that followed the 1992 coup ended central government authority in Abkhazia and South Ossetia, and weakened central authority in the autonomous republic of Ajara and elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary was subject to executive pressure.

The Ministry of Internal Affairs (MOIA) and the Prosecutor General's office had primary responsibility for law enforcement, and the Ministry of State Security played a significant role in internal security. In times of internal disorder, the Government could call on the MOIA or the military. Elected civilian authorities did not maintain effective control over the law enforcement and security forces. Members of the security forces committed a number of serious human rights abuses.

Government efforts to develop a market-based economy were stifled by corruption and mismanagement. The country has a total population of approximately 4.4 million which represented a steep decline in population since the 1990 census. Key exports were scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 19 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 4.2 percent to \$1.6 billion (3.4 billion GEL). Official data indicated that approximately 53 percent of the population lived below the poverty level. There was a growing fiscal deficit due to continued low revenue collection. Government salaries and pensions remained in arrears.

The Government's human rights record remained poor; although there were a few improvements, serious problems remain. Numerous serious irregularities in the 1999, 2000, and June elections limited citizens' right to change their government. Numerous nongovernmental organizations (NGOs) reported that police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies was pervasive. NGOs also blamed several deaths in custody on physical abuse, torture, or inhumane and life-threatening prison conditions. Arbitrary arrest and detention remained a problem during the year. The Government took no concrete steps to address these problems, and lack of accountability remained a problem. The judiciary was subject to pressure and corruption and did not ensure due process. Reforms to create a more independent judiciary were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, occasionally security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. Government officials infringed upon freedom of religion. The Government continued to tolerate discrimination and harassment of some religious minorities. Violence and discrimination against women were problems. Trafficking for the purpose of forced labor and prostitution was a problem. Georgia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with

approximately 270,000 internally displaced persons (IDPs) from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya, posed a continued threat to national stability.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by government agents.

There were 34 deaths in custody; security force abuses reportedly contributed to several of these deaths.

During the year, there were 31 deaths in prison attributed to suicide, disease, or sickness (see Section 1.c.).

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including partisan groups and forces of the Abkhaz separatist regime. The most recent serious outbreak of hostilities between armed groups took place in 2001 and resulted in the deaths of approximately 60 members of armed groups and 21 civilians. Killings and other abuses on both sides of the conflict were not investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups, but took no concrete action to curtail their activities, particularly those of Davit Shengelia, the leader of the partisan organization Forest Brothers.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992-93 fighting. There were numerous reports in 1999 and 2000 that groups from the country, allegedly linked to the Government, infiltrated Abkhazia and laid antipersonnel mines. There was a reduction in landmine casualties during the year due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

b. Disappearance

Partisan groups active in Abkhazia engaged in criminal activity and frequently took hostages to exchange for captured compatriots. Abkhaz and government officials agreed on joint law enforcement efforts to prosecute kidnapers and other criminals that could threaten to destabilize the ceasefire. During the year, there also were many instances of kidnaping for ransom elsewhere in the country, which included both local and foreign citizens. The MOIA reported 15 cases of kidnaping in the first half of the year and stated that investigations had resulted in charges for 9 of these cases. There was widespread speculation that corrupt law enforcement officials were involved in some of these kidnappings. Many citizens, including some members of Parliament, alleged publicly that senior law enforcement officials were involved in kidnappings for ransom. Kidnaping of foreigners continued.

On June 19 in Tbilisi, persons in police uniforms kidnaped banker Peter Shaw, a British citizen, from his car. The Minister of State Security publicly announced that the identities of Peter Shaw's kidnapers were known to the authorities and alleged Interior Ministry officials were involved in the abduction. The Minister of State also publicly confirmed the possible involvement of government officials in the kidnaping. Shaw escaped on November 6; an investigation into the kidnaping was underway at year's end.

Government and Abkhaz commissions on missing persons reported that over 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992-1994 war in Abkhazia (see Section 1.g.). Officials agreed to joint efforts to determine their location and repatriate the remains of the dead. The International Committee of the Red Cross (ICRC) assisted this effort.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, according to the U.N. Human Rights Committee (UNHRC), members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers noted that incidents of police abuse increased following the 2000 presidential elections. Serious abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem. According to human rights observers, many police appeared to believe that they would not be held accountable for such actions.

Government officials acknowledged that MOIA personnel in the past routinely beat and abused prisoners and

detainees. Government officials cited a lack of proper training, poor supervision of investigators and guards, and a lack of equipment as contributing to the continuation of these practices in law enforcement facilities. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments made to the code in 1999 and 2000 reinstated many of their powers (see Section 1.e.). These amendments stripped away detainees' right to file complaints about abuse with the courts rather than with the prosecutor's office.

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions continued during the year. Throughout the year, Human Rights Watch (HRW) reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the MOIA) managed an investigation, allegations of physical abuses were rare.

On January 29, police detained and severely beat Aleksander Lichelli in Gori. His attorney intervened with the Public Defender on February 4. A medical examination of Lichelli confirmed extensive scarring and wounds including the pulling out of four nails on his left hand. Lichelli was released only upon the intervention of the Public Defender's Office, which continued to investigate the case at year's end.

In May the Public Defender's police officers with the Mtatsminda-Krtsanisi police department in Tbilisi occasionally beat and systematically extorted money from 15-year-old D. Asaturov and his family while periodically detaining him during the past two years in Tbilisi #5 prison. Police started harassing the family when they attempted to extract bribes from the boy's parents in exchange for not registering a minor offense. On two occasions the officers penetrated the family's apartment, beating Asaturov and demanding more payments. On March 12, the police officers again burst into the Asaturovs' apartment, beat the minor, and assaulted his mother. A medical examination of Asaturov initiated by the Public Defender's Office documented a concussion to the brain, bruises to the ear, and loss of consciousness. The prosecutor's office started criminal proceedings against the two police officers for extortion.

The most serious incidents of abuse occurred during pretrial detention when suspects were interrogated by police. Human rights observers and lawyers noted that abuses occurred more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). HRW reported that, in January and February, 44 detainees transferred into pretrial detention centers from police stations bore fresh injuries. During a Council of Justice meeting on July 8, the Minister of Justice Roland Giligashvili acknowledged that detainees were brought from preliminary detention cells to the penitentiaries of the Ministry of Justice with various types of injuries. During the year, the Ministry of Justice recommended 39 cases of beatings in preliminary detention to the Prosecutor General for investigation, but the Prosecutor General's office reportedly investigated only 4 cases by year's end.

Police often claimed that injuries were sustained during or before arrest. Police agents within the prison population also allegedly committed abuses in pretrial detention facilities.

To counter incidents of torture and abuse by police officials, the Public Defender's Office (also known as the Human Rights Ombudsman) instituted a rapid reaction group in January with the support of the OSCE. This pilot project had the mandate to provide immediate response to all claims of human rights violations during the most critical phase, the first 72 hours of a person's detention. In a May press conference, the Ombudsman reported that the Rapid Reaction Group had registered 97 cases of human rights violations since December 2001, of which all but 8 required immediate reaction.

The Rapid Reaction Group was instrumental in initiating the dismissal of three police officers of the Didube–Chughureti police station in Tbilisi. These officers had detained minor Vakhtang Mamuliani for theft at a photo store in January. According to a witness, police severely beat and threatened to rape Mamuliani during his detention. In addition, Mamuliani's transfer to the police station was not properly registered, limiting the ability of third parties to verify his arrest. The Rapid Reaction Group's work was noted in the U.N. Human Rights Committee's annual review, which criticized overall human rights practices and prisoner treatment in the country.

The cases of David Sturua and Dimitry Romanov--whom police reportedly tortured in 2000 and 2001 respectively--were closed during the year with no charges brought against the police.

In the past, security forces tortured defendants in politically sensitive cases, such as those involving members and

supporters of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases had political overtones were incarcerated in Isolator Five, located in the basement of the MOIA. As a condition of membership in the Council of Europe, Isolator Five officially was closed in January 2000; however, domestic human rights organizations claimed the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint. Often the threat of incarceration in this facility was sufficient to induce confession or extortion.

Unlike in previous years, there were no reports of security forces beating and raping prostitutes, although victims often did not report these incidents.

There were no reports of security forces beating members of religious minorities as in past years (see Section 2.c.).

On September 27, over 20 police officers allegedly entered a local television station and beat employees, destroyed equipment, and threatened a correspondent's family after an exposé on police involvement in smuggling gasoline to the separatist region of Abkhazia. Following an internal police investigation, the deputy police chief was dismissed (see Section 2.a.).

In June family members reported the unexplained detention of Tbilisi resident Giga Bitsadze by officers from the Didube-Chugureti police department in Tbilisi. Police officers beat Bitsadze to the point of hospitalization. A member of the Public Defender's Rapid Reaction Group intervened in the case. A criminal case was opened and in the prosecutor's office at year's end.

On July 31, a police officer shot and wounded a 12-year-old boy during a dispute with a vendor at an open-air market in Tbilisi. The officer intervened in the dispute. When the boy refused to accompany the officer to the police station, the officer shot him twice. The Inspector General's Office of the MOIA and the prosecutor's office was investigating the case at year's end.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. In the first 8 months of the year, 209 cases against MOIA employees were sent to the Prosecutor General's office for investigation, which resulted in the opening of criminal cases against 31 persons. This represented a large increase from last year. Of these 31 persons, 4 MOIA employees were placed in pretrial detention. During the same time period, 82 MOIA employees were fired for disciplinary violations and 57 employees were demoted. In general officers were held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). Many observers claimed that prosecutors frequently were reluctant to open a criminal case against the police or they closed a case for lack of evidence. Human rights NGOs also believed that many instances of abuses go unreported by victims due to fear of reprisals or lack of confidence in the system. In May the MOIA submitted draft Ethical Standards for the Georgian Police that entered into force during the year. Human rights groups welcomed the initiative, but noted that a culture of corruption could undermine officers' ability to observe the stipulations of the draft document.

The Ministry of Justice (MOJ) implemented a system to provide for medical examinations of prisoners transferred from police stations to pretrial detention facilities in order to document injuries that may have occurred while in police custody and to establish baseline medical condition information for each prisoner that could be used in cases where abuse in prison is alleged. Injuries consistent with abuse were documented and reported to the MOJ authorities, who in turn reported this to the MOIA for investigation.

Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, many claimants failed to follow through after filing, allegedly due to fear. The Committee noted that since the presidential election in 2000, claims shifted from requests for economic assistance to complaints about mistreatment and violations by the police and the prosecutor's office and the failure of the prosecutor's office to pursue criminal investigations of alleged violators.

Human rights observers expressed concern that corruption was related to the large number of police officers nationwide. According to the MOIA, there were 13,881 police officers in 2000; however, NGOs estimated there were closer to 35,000. The MOIA claims a figure of 29,500 officials, the number also cited by the Ministry of

Finance, but insists that this includes various departments, such as fire and emergency units, which do not serve a policing function. The Government has not consistently paid the salaries of police officers; consequently police solicited bribes from the general population, particularly motorists, and also from suspects detained on suspicion of criminal activity (see Section 1.d.).

The MOJ was responsible for overall administration of the prison system; however, the law permits MOIA personnel to continue to staff the facilities. The MOIA maintained several of its own cells in various prisons. Other legislation permits the MOIA to conduct investigations without judicial approval among inmates to gather evidence for trials. Observers noted little change in prison conditions; however, advocates noted an improvement in access for family members and telephone privileges since the transfer.

According to the U.N. and many NGOs, including HRW, prison conditions continued to be inhumane and life threatening. Prison facilities remained unsanitary, overcrowded, and understaffed and were in desperate need of repair. Most prison facilities lacked proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. According to human rights observers and government officials, the problem was exacerbated by the transfer of responsibility for prison administration to the MOJ before it was prepared to assume these responsibilities. Overcrowding remained a major problem; however, some facilities, such as in Zugdidi, were at only 50 percent capacity, while Tbilisi facilities sometimes had 16 or more persons to a cell typically designed for 10 to 12 persons. During the first 8 months of the year, 133 people were pardoned and 450 cases were under review by the pardoning commission. Abuse and extortion of prisoners and detainees by prison staff continued.

On April 9, the UNHRC, in its review of the country's compliance with the International Covenant on Civil and Political Rights, cited systemic problems with the criminal justice and prison systems and continued widespread use of torture and arbitrary detention by police. In issuing recommendations for improving the country's treatment of detainees and prisoners, the Committee requested the Government to report on progress in addressing its specific concerns within 12 months rather than waiting for its third periodic report scheduled for 2006.

In 2001 former Justice Minister Saakashvili attempted to address overcrowding in the country's prisons by accelerating the construction of a new prison facility in Rustavi near Tbilisi. The new facility, which opened in 2001, could hold 1,200 prisoners and had larger cells and modern conveniences. While the new prison should help to alleviate overcrowding, conditions in other facilities had not significantly improved. While Justice Minister, Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps to create a prison inspection system that would include NGO participation; however, Saakashvili resigned in 2001 and was subsequently elected to Parliament. Since his resignation, some corrupt administrators have been rehired, access to prisons for the independent public oversight council of the MOJ sometimes has been limited, and the council's recommendations have been implemented only sporadically.

The prison mortality rate reportedly improved; however, human rights NGOs claimed that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claimed deaths of prisoners without families usually went unreported. During the year, there were 34 registered deaths in prison, a large proportion of which were attributed to tuberculosis. According to the ICRC, tuberculosis was widespread in the prison system; in cooperation with the MOJ, the ICRC has treated nearly 2,000 infected prisoners since 1998.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claimed that rape by inmates or prison guards was common.

On August 29, Nugzar Mestopashvili, who earlier that day escaped from the Rustavi penitentiary, presented himself at the studios of television station Rustavi 2 in Tbilisi. In a live broadcast, he decried inhumane treatment at the Rustavi prison. Mestopashvili said supervisors and other prisoners systematically beat him to the point of forcing his escape. He threatened to commit suicide if he was returned to the Rustavi penal colony and expressed readiness to complete his remaining sentence at any other facility except the Rustavi prison.

Attempted suicides and self-mutilation occurred in prisons as protests against declined prison conditions or human rights violations. There were also sporadic hunger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

The MOJ took steps to reform prison administration and conditions. In April the Minister of Justice Giligashvili dismissed 25 prison system employees for losing control of a situation that resulted in the April killing of two prisoners and the escape of another at the Avchala 9 and Rustavi 2 penal institutions in one month. The Minister acknowledged systemic problems in the penitentiary system, but said that many violations were the result of poor and incompetent management that could be avoided if prison officials did not attempt to hide transgressions by corrections officers or other prison managers. The Chair of the Parliamentary Committee for Human Rights Elene Tevdoradze also demanded employees at the Avchala penitentiary and the MOJ Department for Punishment involved in the deaths of two prisoners be brought to justice. In the string of incidents, Zurab Gogberashvili, a former policeman convicted of murder, was severely beaten in a mass brawl and killed with a self-made knife. Earlier the same month, another prisoner at the Avchala penitentiary died in an explosion of a self-made device. In November a prisoner was shot and killed by another inmate who had smuggled a pistol inside the prison.

In May a delegation of the Council of Europe advising a Co-ordinating Council for Penitentiary System Reform expressed satisfaction with some progress in the course of the reforms. The delegation concluded that the situation in the penitentiary system had substantially improved over the last year while acknowledging that serious problems remained. The Council of Europe delegation submitted recommendations to the MOJ focusing on psychological care for long-term prisoners and regular inspection of the penitentiary facilities.

Other reform steps included the May opening of a special section for juvenile offenders at the Avchala facility with a capacity of 110 spaces. The specially renovated facility includes classrooms, sports grounds, meeting rooms, and a medical section. Twenty-six juvenile offenders were transferred from the Khoni prison colony to the Avchala facility.

Men and women were held separately. Juveniles were usually separated from adults; however, at times they were held together in pretrial detention. Pretrial detainees were often kept with convicted prisoners due to overcrowding.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners or detainees; however, local human rights groups reported increasing difficulty in visiting detainees, particularly in cases with political overtones.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arrest and detention; however, authorities frequently disregarded these provisions. The Constitution provides for a 9-month maximum period of pretrial detention, mandates court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). These amendments generally were observed; however, prosecutors maintained undue influence over criminal procedures.

Judges issue warrants and detention orders, and by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGOs stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer--sometimes up to 2 years--because this protection routinely was interpreted to include only the prosecutor's investigative period, not the defense's investigative period. Police frequently detained persons without warrants. There was no bail system available to detainees. As of September, there were 7,343 persons in custody, of which 5,133 were convicted and 2,210 were in pretrial detention.

In 1999 Parliament approved a new Criminal Code and other legislation that contained constitutional protections and restricted the powers of the Prosecutor General (see Section 1.e.). Following enactment of the new Criminal Code, the Criminal Procedures Code was amended substantially. A number of amendments sought to harmonize the Criminal Procedures Code with the Criminal Code; however, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. Before these amendments were enacted, a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Prosecutor General's office during a criminal investigation and could request medical examination; however, under the amended provisions, a defendant could file a complaint of abuse only with the Prosecutor General's office. The Prosecutor General's decision could not be appealed to the courts. NGOs claimed that this regulation hindered their ability to substantiate police misconduct because of the close ties between the Prosecutor General's office and the police. A 2001 amendment to the criminal procedure code reinstated the right of a witness to be accompanied by a lawyer when being questioned by the police. The police could hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. HRW reported in

2000 that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Detainees had difficulty obtaining objective medical examinations in a timely manner. If a medical examination is not conducted within 3 to 4 days of an incident, it is difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases was an employee of the Ministry of Health's Judicial Medical Expert Center, could testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Prosecutor General, and stated that permission for an independent forensic medical examination rarely was granted.

Police often failed to inform detainees of their rights and prevented them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside police stations to avoid registering detainees. While officially suspects were charged within 3 days of registration, observers claimed that police frequently delayed registering detainees for long periods in order to seek bribes; according to international and domestic observers, at times the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

In a move to address torture, amendments to the criminal procedure code granting witnesses the right to legal counsel were implemented during the year. However, this right was only occasionally observed in practice. It was common police practice to label detained suspects as 'witnesses' in order to deny them access to a lawyer.

The criminal procedure code calls for detainees to be charged within 72 hours. However, Ministry of Justice figures for 2001 showed that for the Tbilisi pretrial detention center, 493 detainees were registered in violation of the 72-hour deadline. The most serious incidents of police abuse occurred in the investigative phase of pretrial detention when police interrogated suspects (see Section 1.c.).

Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary often did not exercise full independence, and judicial impartiality was limited. While 1999 judicial reforms resulted in the appointment of some better qualified judges, observers agreed that judicial authorities continued to experience pressure from the executive branch and powerful outside interests. Several observers have questioned the sustainability of a reformed judiciary without reform of law enforcement institutions. Human rights organizations, including HRW, alleged that investigators sometimes planted or fabricated evidence and extorted confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Prosecutor General objected. Courts continued to convict on the strength of confessions that may have been extracted under torture. The state continued to prevent defendants from obtaining and presenting forensic evidence of torture to the courts through procedural restrictions and by not licensing nongovernment forensic doctors.

Other results of the judicial reform effort were inconclusive. Judicial incompetence and corruption, including the payment of bribes to judges, still were problems. Although there were reports by several trial attorneys and local NGOs in Tbilisi that some cases were being handled in a more expeditious manner since reforms, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they were hindered by lack of practical experience. Human rights organizations pointed to judges' limited experience in case law as a contributing factor. Due to the Government's fiscal crisis, at times judges' salaries went unpaid up to 6 months, creating an incentive for corruption. Pressure from family and political and economic interest groups was extensive, and bribery was common.

The law establishes a three-tier court system. At the lowest level are district courts, which heard routine criminal and civil cases. At the next level are regional (city) courts of appeal, which served as appellate courts for district courts. The regional courts also tried major criminal and civil cases, reviewed cases, and either confirmed verdicts or returned cases to the lower courts for retrial. The Supreme Court acted as a higher appellate court but was the court of first instance for capital crimes and appeals from the Central Election Commission (CEC). The courts followed a judicial code of ethics; however, some observers alleged that the Supreme Court's decisions were subject to political and other undue influences. In 2001 the Supreme Court implemented a system of regional managing judges to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrated constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The Court only considered one case at a time. The Court's rulings demonstrated judicial independence.

The Council of Justice administered the court system. The Council had 12 members, 4 selected from within each branch of government. To reduce incompetence and corruption, the law has established a three-part testing procedure for working and prospective judges administered by the Council. All judges except for three recognized legal scholars were required to take the exams, which were given twice annually. In December 36 out of 171 examinees passed the two rounds of the examination. At the district level--particularly in extremely rural or mountainous regions--it was difficult to find candidates who had passed the exam and who were willing to fill judge positions. Supreme Court judges were required to take the examination. In 2000 the President nominated and the Parliament ratified the appointment of 12 new Supreme Court Justices, 10 of whom passed the judicial exams, and 2 of whom were appointed pursuant to Article 20 of the law on the Supreme Court, which provides that distinguished legal specialists may be appointed. In July the General Directorate of the Council of Europe supported the Supreme Court in hosting a seminar on the practical use of the European Human Rights Convention in the judicial system. The seminar was for regional and district judicial staff and covered the protection of rights and limitations of human rights, the role of courts in the implementation of the Human Rights Convention, Article 8 of the Convention, and related court procedures.

In July the OSCE hosted the second of three training seminars on international human rights law and relevant monitoring techniques for participants from eight cities. Among them were representatives of 21 domestic NGOs and 4 representatives of state structures, including Public Defenders.

Aside from the judicial system, law enforcement as a whole had not undergone significant reform. During the year, reforms took place that included additional training and testing for prosecutor's office personnel and periodic internal reviews. Payment of bribes to police and prosecutor's office officials reportedly was common (see Section 1.c.). The Prosecutor General's office is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Prosecutor General's office into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights were not observed fully in practice. Authorities frequently did not permit detainees to notify their families of their location in violation of the 2001 amendments to the criminal procedure code that specifically provide that if a witness so requests his lawyer can attend his questioning, who may in turn notify family members. However, local police authorities limited lawyers' access to detainees. Defense attorneys and family members often had difficulty obtaining permission to visit clients. Investigators seldom informed individuals of their rights. Lengthy trial delays were common. Defense counsel was not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. In 2001 the Parliamentary Committee on Human Rights and National Minorities created a card listing a citizen's rights in case of arrest. The committee has distributed approximately 30,000 printed cards to students, NGOs, and visitors to the committee. However, since 2001 no cards have been printed due to lack of funding.

The 1999 Criminal Procedure Code significantly weakened many constitutional protections designed to circumscribe the powers of the Prosecutor General, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. They also continued to wield disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions had more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the prosecutor's office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by procurators to accept a state-appointed attorney or other attorneys who did not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The prosecutor's office not only had control over state-appointed lawyers; it also determined whether to grant a defendant's request to change lawyers. However, several NGOs provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varied significantly. In addition, the licensing of forensic medical examiners did not ensure competence.

There was disagreement among NGOs over who should be counted as a political prisoner; most international and local human rights organizations estimated that there were 20 to 25 political prisoners in the country. The Parliamentary Human Rights Committee considered there to be only 3 to 5 political prisoners, while the Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel considered themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and were serving sentences of from 7 to 12 years.

In 2000 Parliament passed a resolution on national reconciliation directing the Prosecutor General to review the cases of those convicted in connection with the civil war. President Shevardnadze subsequently pardoned or reduced the sentences of several hundred prisoners convicted of crimes committed during the civil war. Approximately 95 percent of imprisoned Zviadists were released.

In July President Shevardnadze pardoned three persons convicted for the 1995 assassination attempt on appeals by Rusudan Beridze, Deputy Secretary of the National Security Council. They included Temur Khachishvili, former Deputy State Security Minister, Giga Gelashvili, and Guram Papukashvili, former commander of a special security services unit. In April President Shevardnadze also pardoned former Finance Minister Guram Absandze, who had been associated with the 1998 assassination attempt.

In September two well-known Zviadists (Petre Gelbakhiani and Irakli Dokvadze), charged with a terrorist attack against Mkhedrioni leader Jaba Ioseliani in 1992, were released from prison. However, their court release occurred as a result of having served two-thirds of their sentence and was not considered a presidential pardon.

Although President Shevardnadze pardoned and the Supreme Court ordered the release of Tengiz Asanidze, who was accused of abduction and financial crimes, authorities in the autonomous region of Ajara refused to release him. Both Amnesty International the Council of Europe's Commissioner for Human Rights called for Asanidze's release. At year's end, he was awaiting the terms of the examination of his suit filed with the European Court of Human Rights in Strasbourg, and his case remained pending.

The Government permitted international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that security police and tax authorities entered homes and workplaces without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Traffic Police often stopped and searched vehicles without probable cause in order to extort bribes (see Section 1.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect, and CIS and joint peacekeeping forces, respectively, were present in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. A Russian peacekeeping force also has been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government had no effective control over Abkhazia or South Ossetia during the year.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. The UNHRC Office in Abkhazia reported a modest improvement in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Limited access to qualified legal counsel aggravated the situation. The Parliament Human Rights Office remained concerned at the length of pretrial detentions and violations of due process in individual cases. In July an independent legal aid office in the Gali district of Abkhazia began to provide legal advice to the population free of charge.

In September the Ministry of Education of the separatist government of Abkhazia announced a ruling prohibiting instruction in Georgian in schools in Abkhaz-controlled territory, including in the district of Gali inhabited by returned IDPs. This decision contradicted previous agreements by the Coordinating Council working group on Social and Economic Issues chaired by the Special Representative of the Secretary General to the country. The Public Defender's Office (Ombudsman) expressed indignation with the decision based on international legislative norms and the U.N. conventions on discrimination in the field of education.

On July 15, the non-recognized government of South Ossetia established a Human Rights Commission consisting of lawyers and representatives of civil society and NGOs. The South Ossetian Human Rights Commission planned to work in close collaboration with the Commission for Human Rights in the Autonomous Republic of North Ossetia in the Russian Federation and the representative of the President of the Russian Federation for Human Rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGOs, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, and violence. Nevertheless, during the year journalists were able to publish wide-ranging and extremely critical views of officials and their conduct; however, some journalists practiced self-censorship.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists employed it. The adoption of a freedom of information act and judicial enforcement of this law made agencies more willing to provide information. However, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information could be delayed indefinitely. A requesting party had no grounds for appeal.

There were approximately 200 independent newspapers in circulation. The press frequently criticized senior government officials; however, few newspapers were editorially independent and commercially viable. Typically newspapers were subsidized by and subject to the influence of their patrons in politics and business. The Government financed and controlled one newspaper which was published in Russian-, Azeri-, and Armenian-language versions; the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, Alia, had a national circulation nearly 20 percent higher than the government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hindered overall journalistic development and standards. State tax authorities continued to harass independent newspapers.

Most persons received their news from television and radio. The Government financed and controlled the main radio and television network with a national audience; network broadcasts reflected official viewpoints. Rustavi-2, a member of the independent television network TNG, was considered the only station other than the state-run channel with a national audience. In late 2001, members of the State Security Ministry raided TNG's headquarters demanding financial information, even though the tax department had completed an audit a few weeks earlier. The head of Rustavi-2 refused to release the information and broadcast the events live. The broadcast led to protests in front of the Parliament and to President Shevardnadze's dismissal of all Ministers. Prior to the incident, Rustavi-2 broadcast three detailed investigations into alleged MOIA and Office of the Prosecutor General corruption that involved high police officials attempting extortion and planting evidence in a narcotics case.

In addition to Rustavi-2, there were seven independent television stations in Tbilisi. An international NGO estimated that there were more than 45 regional television stations, 17 of which offered daily news. While these stations ostensibly were independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, had relatively independent media. Rustavi-2 had a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. State tax authorities continued to harass independent television stations. Stations desiring benefits and better working relations with authorities practiced self-censorship.

Channel 25 was the only independent television station broadcasting in the autonomous region of Ajara. A lawsuit brought by the four owners of Channel 25 against Mikhail Gagoshidze, chairman of Ajaran Television and Radio, remained in the appeal process at year's end.

On September 27, more than 20 police officers allegedly entered the local Zugdidi television station and beat employees and destroyed equipment. The station provided information and footage in support of a Georgian "60 Minutes" exposé on police involvement in smuggling gasoline to the neighboring separatist region of Abkhazia. The "60 Minutes" Zugdidi correspondent's family was also threatened. Following an internal police investigation, the deputy police chief was dismissed (see Section 1.c.).

On January 20 and May 7, the private television station Stereo One was the object of threats. On both occasions the station's offices were attacked by the Orthodox Christian radical group led by excommunicated Orthodox priest Father Basil Mkalavishvili for broadcasting a foreign evangelical program (see Section 2.c.).

Libel laws inhibited investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

Journalists stated that they were vulnerable to pressure from authorities, as well as from business and societal elements.

On May 28, Parliamentarian Vitali Khazaradze threatened to discredit Ia Bobokhidze and Maia Metskhvariashvili of the Tbilisi edition of Ahali Taoba by publishing a pornographic photomontage of the female journalists. An article by Metskhvariashvili associated Khazaradze with a notorious criminal and accused Khazaradze of inappropriate lobbying efforts for a municipal council in Kutaisi. Khazaradze further demanded an apology by the editor-in-chief of Akhali Taoba and threatened that otherwise the newspaper would be closed and that journalists would be beaten.

In 2001 a suspect was arrested in the killing that year of independent TV journalist Giorgi Sanaia and was awaiting trial at year's end. During the year, the investigation into the 2000 death of Italian reporter Antonio Russo was temporarily suspended due to lack of a suspect.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, particularly in the regions, understood the legal protections afforded journalists; and few journalists had the resources to hire a lawyer. Some enlisted the assistance of the NGO community.

The Government did not limit access to the Internet; however, poor infrastructure and poverty limited access outside of the major cities.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly without permission from the authorities; however, both the national Government and local authorities restricted this right in practice. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violated the Constitution and sought to have it overturned by the Constitutional Court. However, the Court has refused to hear the case, on the grounds that a test case must be brought before it to consider the challenge and an individual must prove there was personal injury from the law. Most permits for assemblies were granted without arbitrary restriction or discrimination; however, this was not uniformly the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never accepted any successor to the Gamsakhurdia government as legitimate and regularly held demonstrations in front of parliament demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity that they generated for themselves and against the Government.

Private meetings and public gatherings of religious minority groups were repeatedly broken up, often with extreme violence, by Orthodox extremists with the tacit approval or active cooperation of law enforcement authorities (see Section 2.c.). The Government did not take effective action against the perpetrators of such attacks.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination; however, two organizations affiliated with Jehovah's Witnesses were unable to register on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. At times local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. The Georgian Orthodox Church lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. On October 22, Parliament ratified a constitutional agreement (Concordat) signed by the President and the Georgian Orthodox Patriarch, that further defined church-state relations. The Concordat states that, with the consent of the Church, the Government could issue permits or licenses for the use of official symbols and terminology of the Church, as well as for the production, import, and distribution of worship articles. This provoked widespread concern among minority religious groups.

In November the Constitutional Court refused to admit a petition by the True Orthodox Church (a schismatic Orthodox church) that the Concordat violated the constitutional protections of freedom of religion, on the grounds that there was no evidence of discrimination. In December the True Orthodox Church was refused permission by the Kutaisi City Council to build a church on the grounds that the building was not sanctioned by the Georgian Orthodox Church, as required by the Concordat.

Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms and criticized some Protestant groups, especially evangelical groups, as subversive. Jehovah's Witnesses in particular were the targets of attacks from such politicians.

There were no laws regarding the registration of religious organizations; however, a draft bill that would provide for registration of all religious groups in the country was proposed to Parliament in November. The Government viewed the proposed Law on Religion as a crucial step towards reducing religious intolerance and violence. The Ministry of Justice prepared the bill, but it had not been submitted to Parliament for a vote by year's end. Human rights NGOs criticized the proposed law as restrictive and indirectly unfavorable to nontraditional religious groups. Followers of religious extremist Father Basil Mkalavishvili (Basilists) in turn criticized the draft law, claiming it would effectively legalize what they termed criminal sects, i.e. nontraditional religious groups. Under the proposed law, religious groups that perform humanitarian services may be registered as charitable organizations, although religious and other organizations may perform humanitarian services without registration. Organizations that were not registered could not conduct religious services, rent office space or import literature, among other activities. Members of unregistered organizations could engage in these activities as individuals but were exposed to personal legal liability in such cases.

In 2001 a Supreme Court ruling upheld a 2000 Appeals Court ruling revoking the Jehovah's Witnesses legal registration. The Court issued a statement clarifying that the judgement did not ban the organization but had simply revoked its legal status. However, many local law enforcement officials interpreted the ruling as a ban and thus used it as a justification not to protect Jehovah's Witnesses from attacks by religious extremists.

On December 6, MOIA officials at Ponichela impounded a truck carrying religious literature of the Watch Tower Bible and Tract Society that had cleared Georgian customs and legally entered the country. Supporters of Father Mkalavishvili (Basilists) subsequently surrounded the truck, beat the driver, and seized the shipping documents. MOIA officials released the truck on December 12.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed during the Soviet period, many of which Soviet authorities gave to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church. During the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe. On April 5, the Catholic Union of Western Georgia filed suit in a Tbilisi court against the Patriarchate for return of the Annunciation Cathedral in Kutaisi.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. In 1997 a court ordered that a former synagogue--rented from the Government by a theater group--be returned to the Jewish community. In 1998 the theater group brought suit, claiming that the building was never a synagogue. The

Supreme Court ruled in 2001 that the central hall of the synagogue should be returned to the Jewish community, but that the theater groups should retain part of the building. By year's end, the theater group had not yet vacated the central hall.

Regular and reliable information about separatist-controlled Abkhazia was difficult to obtain. An Abkhaz presidential decree bans Jehovah's Witnesses. A number of members of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end.

At times local police and security officials harassed nontraditional religious minority groups, particularly members of Jehovah's Witnesses. There were a number of cases in which police not only failed to intervene to protect such minorities from attacks by Orthodox extremists but also participated in or facilitated the attacks.

The MOIA (including the police) and Prosecutor General's office generally failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they proceeded very slowly. In 2000 the Government initiated a criminal case against Father Basili Mkalavishvili, whose followers engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation has proceeded very slowly. While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In November Basilists physically expelled a foreign radio correspondent from the courtroom with the acquiescence of MOIA security forces. The Basilists also threatened plaintiffs and brought weapons into the courtroom. In December the plaintiffs moved to have the judge removed due to his inability to control the proceedings.

In 2001 Parliament passed a resolution condemning religious violence. Shortly thereafter the Procurator questioned Father Mkalavishvili and released him on his own recognizance with the understanding that he was not to leave Tbilisi. However, after a brief period of relative calm, attacks by Mkalavishvili and others resumed. Mkalavishvili's followers and another extremist group Jvari (the Cross) continued to act with impunity.

During its review of the country, the UNHRC expressed deep concern about a rising intolerance and escalating attacks against religious minorities in the country, facilitated by government inaction. That same day, the Council of Europe released a report that strongly criticized authorities' disregard of religious and racial violence and harassment in the country. President Shevardnadze announced government measures to improve the human rights situation including the protection of religious minorities that included establishing a coordination group within the MOIA. During the year, the MOIA published a Directive from the Minister of Combating Religious Violence, which ordered MOIA forces to react decisively to acts of religious violence and investigate all instances of it.

Despite a general tolerance toward minority religious groups traditional to the country--including Catholics, Armenian Apostolic Christians, Jews, and Muslims--citizens remained very apprehensive about Protestants and other nontraditional religions, which were seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public viewed non-Orthodox religious groups, particularly nontraditional groups or so-called sects, as a threat to the national Church and Georgian cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities (see Section 2.c.).

Followers of excommunicated Orthodox priest Basili Mkalavishvili (Basilists) engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-day Adventists, and particularly members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded sticks and clubs. As during other attacks, Mkalavishvili held an impromptu press conference with the violence in the background. Representative cases included the following incidents:

On January 25, a group of Basilists including Basili Mkalavishvili surrounded the building housing the television channel Stereo One. The Basilists had been threatening Tbilisi-based Stereo One since early 2001 for broadcasting an evangelical religious program. Two Basilists broke into the building and were arrested. However, approximately 100 Basilists quickly gathered outside the police station and demanded their release. The police complied with the demand. When Stereo One resumed broadcast of the religious program on May 7, Mkalavishvili and four followers again tried to break into the station's offices, physically assaulting one staff member. Police

intervened after being alerted by a local human rights NGO.

On August 15, in Otarsheni approximately 50 persons wielding truncheons arrived in front of a Jehovah's Witnesses meeting hall to break up a religious meeting. However, members of the congregation had been warned there might be violence and the meeting was canceled. Undeterred, the mob entered the building, smashing windows and furniture and beating a caretaker. Stacks of literature and benches were dragged into the street and set on fire. Eyewitnesses recognized at least two of the attackers as Basilists. Witnesses also reported seeing a police car drive by the scene of the incident. Police opened an investigation, but no arrests had been made at year's end.

On August 16, in Kaspi, in a near-identical attack, approximately two dozen men, wearing crosses of the Georgian Orthodox church, arrived on buses and ransacked the home of Ushangi Bunturi who was planning to host a Jehovah's Witness meeting in the field next to his residence. Due to its similarity to the August 15 incident, observers believed Basilists carried out the attack. The attackers burned Bibles, religious pamphlets, and Bunturi's belongings in the yard and filled the baptismal pool with diesel fuel. Local law enforcement officials reportedly approached Bunturi several times, asking him to refuse to host the Jehovah's Witness congress because they could not guarantee security. The authorities forced Bunturi to sign a letter taking full responsibility for the event, but he added a footnote saying he had been forced to sign the letter. Approximately 1,000 Jehovah's Witnesses had been expected to gather at Bunturi's house, where they held congresses since 1996. According to witnesses, the local police chief was present, although it was not clear whether the police joined the attack or simply observed it. No one was arrested.

On November 18, approximately 25 Basilists surrounded a foreign radio correspondent who was covering the trial of Mkalavishvili and threatened to "break his head" with iron bars if he did not leave the courtroom. Several Basilists attempted to strike the reporter but were restrained by fellow members. They grabbed the reporter and physically pushed him out of the courtroom.

Although law enforcement authorities were present at some attacks, they failed in most instances to intervene, leading to a widespread belief in police complicity in the activities of the Basilists.

In 2001 police and followers of Mkalavishvili prevented members of Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers, and burning and looting the convention site. Members of Jehovah's Witnesses alleged that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the Basilists. An investigation continued at year's end. On May 13, the Marneuli district court acquitted police officers of wrongdoing during an attack by Basilists on a September 2000 Congress of the Jehovah's Witnesses in Marneuli.

On occasion members of Jvari, another Orthodox extremist group, joined Mkalavishvili's supporters in their activities. For example, 14 members of Jvari attacked a meeting of Jehovah's Witnesses in Rustavi in 2001. According to an eyewitness, Jvari leader Paata Blashvili personally assaulted one of the victims. The extremists apparently used sawed off shotguns and other firearms when they ransacked the Jehovah's Witnesses convention site. Two days earlier, members of Jvari participated in attacks by religious extremists in which dozens were injured. Jehovah's Witnesses had received permission to hold the convention from the local government and local authorities were at the convention site; however, they did not intervene to stop the attacks.

The Patriarchite of the Georgian Orthodox Church has strongly criticized the attacks perpetrated by Orthodox extremists against nontraditional religious minorities and has distanced itself from Basil Mkalavishvili. However, the Church did not speak with one voice on the subject. On February 10, a senior bishop in Rustavi stated on a leading television newscast that all 'sectarians' (including nontraditional religious minorities such as the Jehovah's Witnesses) in the country should be killed. The Patriarchite later released a press statement saying the bishop's comments were quoted out of context. In June Bishop Levan Pirtskhalaishvili, secretary to Patriarch Ilya II, wrote to the owner of a Tbilisi stadium warning him not to rent the venue to the Jehovah's Witnesses for a meeting due to negative public reaction; the event was subsequently cancelled.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and the law generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's residence was not required nor were internal passports. Soviet passports bearing a propiska (proof of legal residence in a particular locality) were accepted as proof of identity because

passports and identity cards were expensive to purchase and difficult to obtain, especially in poor and remote areas.

Approximately 275,000 so-called Akhiskha or Meskhetian Turks were relocated from southern Georgia to Central Asia by the Soviet Union in the 1940s. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union collapsed, and a number remained stateless in Russia. A 1999 presidential decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the repatriation process within three years. However, there has been no legislation to allow for repatriation of Meskhetian Turks to Georgia, and there was some official and public opposition to their repatriation. There were 643 Meskhetians living in the country, most of whom had citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the UNHCR on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDPs) and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In January 1999, the Abkhaz separatist regime unilaterally invited IDPs to return to Gali starting in March 1999 but did not adequately ensure their safety. The move did not affect significantly the return to Gali of IDPs, who continued to travel back and forth to the area to tend their property. As many as 40,000 persons were estimated to be living in Gali on a more or less permanent basis, depending on the security situation.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDPs and refugees. In 1997 the UNHCR began a program to return IDPs and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. Meanwhile, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. The Government publicly has recognized the right of Ossetian refugees to return to their homes in the country but has taken little facilitative action. Opposition by government authorities to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper.

Government stipends to IDPs of approximately \$7 (14 GEL) per person per month were paid inconsistently. The Government subsidized 50 kilowatts per hour of electricity per month for each IDP. Stipends were paid more frequently in Tbilisi than elsewhere in the country. IDPs also were not afforded the right to vote in local elections (see Section 3).

The law did not provide for the granting of refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government did not provide first asylum. According to the UNHCR, the Government processed no asylum cases during the year. The Ministry for Refugees and Accommodation (MRA) was responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Government has admitted what was estimated to be 4,000 to 5,000 refugees from the conflict. Chechen refugees settled in the Pankisi Valley in the eastern part of the country. Both local and international NGOs provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnapping in 2000 of three ICRC staff members, international humanitarian organizations had only periodic access to the Pankisi Valley.

In April the Ministry of Refugee Affairs reregistered Chechen refugees with the assistance of the UNHCR. At the end of the year, approximately 4,000 Chechen refugees were living in the Pankisi Valley and 400 in Tbilisi. The significant reduction in the number of refugees was due to the successful screening out of the local Kist (ethnic Chechen citizens), as well as departures of refugees for Azerbaijan and other countries. The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully, and citizens exercised this right through regular elections; however, the June local and municipal elections, the 2000 presidential elections, and the 1999 parliamentary elections were marred by numerous serious irregularities, and the Government limited this right in practice. An elected president and parliament governed most of the country.

On June 2, local and municipal elections that had originally been scheduled for 2001--and had been postponed by the CEC due to financial and technical reasons--were held. The elections were marked by poor preparation to

meet basic conditions and irregularities, which limited the rights of citizens to change their government. In Rustavi elections were cancelled because an unidentified group of persons attacked the CEC's vehicle and hijacked the ballots. A person suspected of hijacking the Rustavi ballots was arrested on July 4; the investigation was pending at year's end. In Zugdidi ballot boxes were stolen by unidentified armed groups. In Khashuri and Akhalkalaki, the elections were cancelled because the CEC failed to provide ballots in time. Voting started hours later than originally planned in many locations. Make-up elections in those cities were scheduled a week later. There were many other violations in almost every voting district; armed police officers were observed at polling stations and there were reports of multiple voting by persons in different districts. In Tbilisi the state of voter registration lists was so poor that there were instances where several hundreds of citizens, often residents of the same block of apartment buildings, could not vote.

Shortly after the elections, Parliament formed a commission to investigate reports of irregularities. The commission published findings and recommended reforms in the CEC and in the administrative process. After protests by political parties, the CEC agreed on November 1 to a recount of votes in the Tbilisi local elections. The recount did not change the number of seats won by each party, but left the Socialist Party below the four-percent threshold for representation. On November 4, National Movement leader Mikhail Saakashvili was elected Chairman of the Sakrebulo (city council). The Socialist Party charged that Saakashvili's election was fraudulent, and challenged the election of several members of Parliament who were serving simultaneously in Parliament and the Sakrebulo. The Socialists asserted that the Constitution prohibits a deputy from also serving in the city council and demanded that the MOIA investigate the vote. The district court rejected the Socialists' suit.

International and local observers criticized the Government's poor preparation of the elections in a rush to test popular support for the various political parties before the next elections. While observers did not report massive or organized fraud, they criticized the election due to overall poor organization.

In the 2000 presidential elections only two candidates campaigned actively: the incumbent, Eduard Shevardnadze; and Jumber Patiashvili of the Revival of Georgia Party. The CEC reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. International observers strongly criticized the election; the OSCE noted serious irregularities, including ballot stuffing, group voting, groups of identical signatures on voter's lists, media bias, and lack of transparency in counting and tabulation. Some observers noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated during the counting process and that, in general, procedural safeguards were not implemented. The CEC annulled the election results of six polling stations. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. Police disrupted a number of opposition rallies, and bureaucratic obstacles were erected to prevent their organization (see Section 2.b.). Parliament adopted extensive amendments to the electoral laws less than 3 weeks before the presidential election, causing confusion in the election administration. In addition, there was inadequate time to implement some of the election law amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in late 1999. The Citizens' Union of Georgia, chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments. However, they noted a number of irregularities including restrictions on freedom of movement. A second round was held, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. There was no voting in the separatist regions of Abkhazia or South Ossetia, which were outside government control.

In August 2001, Parliament passed a new law on local self-government, and in response the CEC postponed until local elections that had been scheduled for November 2001. The CEC cited inadequate financing and claimed that the legislation required a number of technical amendments that could not be implemented by the original election date. Most political parties did not object to the postponement. In 2001 by-elections were held in Vake and Bagdadi districts. The Vake elections were marred by two incidents of ballot box theft; however, the elections showed improvement over previous elections.

There were 16 women in the 235-seat Parliament. A woman was the speaker of Parliament and several women held important committee chairmanships. Two women held ministerial posts.

There were 16 members of minority groups (7 Azeris, 6 Armenians, 2 Abkhaz, and 1 Greek) in the 235-seat Parliament.

Elections were held periodically by the separatist governments of Abkhazia and South Ossetia, which were outside government control. International observers determined that these elections were illegitimate. International organizations, including the U.N. and the OSCE, declared presidential elections held in Abkhazia in 1999 to be illegal. Government authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In 2001 Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In 2001 the unrecognized separatist government held presidential elections in South Ossetia, resulting in the defeat of the incumbent and a peaceful transfer of power.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, some local human rights NGOs reported that government officials were slightly less responsive during the year than in the past.

There were a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups were extensions of partisan political groups and these had little influence. NGOs were permitted to bring suits to courts of the first instance on behalf of persons whose rights were abused.

On July 10, there was a physical assault on the Tbilisi headquarters of the Liberty Institute, the leading human rights organization in the country. Approximately one dozen well-organized men entered the offices of the Liberty Institute and proceeded to beat the director and other staff. They also smashed computers, furniture, and other equipment. The attack left Liberty Institute Director Levan Ramishvili hospitalized with multiple contusions, eye injuries, and speech problems. Five other staff members were beaten. Several other staff and visitors, including a British government member of a Council of Europe fact-finding delegation, escaped the attack by barricading themselves behind a door. The July 10 attack followed a demonstration days earlier outside the Liberty Institute by supporters of Guram Sharadze, a member of Parliament. In a previous television debate, Ramishvili had accused Sharadze of publicly inspiring ethnic and religious intolerance. On July 25, a Tbilisi District Court released Giorgi Doijashvili, a member of the radical Orthodox group Jvari, suspected of carrying out the Liberty Institute attack. Doijashvili originally acknowledged his role in the attack but has since retracted his statement. Members of Jvari participated in numerous attacks on non-traditional religious groups in the past. The verdict of the court was hailed by the followers of defrocked Orthodox priest Basil Mkalavishvili who accused the Liberty Institute of protecting nontraditional religious groups such as the Jehovah's Witnesses (see Section 2.c.). The case remained under investigation at year's end.

During the year, legislation was adopted allowing the Ministry of Finance to access the funding records of international NGOs, alarming some in the NGO community. In August the International Federation of the Red Cross and Red Crescent Societies stopped financing all projects and programs developed with the local Red Cross division after its leader was suspected of misuse of funds.

In 1997 the UNHRC and the OSCE Mission established a joint human rights office in Sukhumi, Abkhazia to investigate human rights abuses. The office has operated sporadically because of security conditions but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region.

NGOs continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally mandated office of the Public Defender, or Ombudsman, was created in 1995. The National Security Council's human rights advisor, who has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (see Section 2.c.). However, while government representatives were effective in individual cases, neither they nor NGOs were successful in prompting systemic reform.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution recognizes the equality of all citizens without regard to race, language, sex, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, discrimination against women was a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities usually communicated in their native languages or in Russian. Both Georgian and Russian were used for interethnic communication.

Women

Societal violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code, in force since June 2000, classifies marital rape and sexual coercion as crimes. During the year, 867 crimes were registered against women, compared with 678 in 2001. Part of this apparent increase may have been due to increased reporting. Crimes included 36 murders, 18 attempted murders, 52 rapes, and 25 attempted rapes; the remainder consisted of battery, assault and lesser crimes. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurred frequently but rarely was reported or punished because of social taboos against raising the problem outside of the family. Spousal abuse was reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operated a shelter for abused women, and the Government operated a hot line for abused women but did not provide other services. There were anonymous telephone services that assisted rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnaping of women for marriage continued to occur, particularly in rural areas, although the practice continued to decline. Such kidnapings often were arranged elopements; however, at times these abductions occurred against the will of the intended bride, and sometimes involved rape. Police rarely took actions in such cases even though such kidnapings are a crime according to the criminal code.

Prostitution was not a criminal offense, and trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). In the past, police officers reportedly beat and raped prostitutes; there were no such confirmed reports this year.

Sexual harassment and violence against women in the workplace was a problem, especially as economic conditions worsened, according to a U.N. Development Program (UNDP) report. Sexual harassment in the workplace rarely, if ever, was investigated.

The Constitution provides for the equality of men and women; however, discrimination against women was a problem. The Civil Code gives women and men equal inheritance rights. Divorce was legal and can be initiated by either a husband or wife. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market had improved but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. Salaries for women continued to lag behind those of men. Reportedly men were given preference in promotions. Of the 114,512 registered unemployed persons throughout the country, 46 percent were women. Women sometimes, but not often, filled leadership positions. According to the UNDP, employers frequently withheld benefits connected to pregnancy and childbirth.

A number of NGOs promoted women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy. Women's NGOs took an active role in the 1999 parliamentary election, the 2001 by-elections, and the June local and municipal elections, engaging candidates in discussions about issues of concern. Posters urging women to vote were a prominent part of the publicity campaign.

Children

Government services for children were extremely limited. While education officially was free through high school, many parents were unable to afford books and school supplies, and most parents were forced to pay some form of tuition or teachers' salaries. Most children of school age attended school; however, in some places schools did not function or functioned sporadically because teachers were not paid and facilities were inadequate, especially in winter when some schools could not afford to heat buildings. Many schools lacked libraries or even blackboards. Free health care was available only for children over the age of 3 years.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. A local NGO estimated that there were approximately 1,500 street children in the country, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter; however, the two shelters could accommodate only a small number of street children. No facilities existed outside of Tbilisi. Street children often survived by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children with impunity. The Government took little other action to assist

street children.

The Isolator detention facility for street children in Gldani was overcrowded, and children frequently were abused by other children and guards. There were no confirmed reports of police violence against street children this year.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. Staff members often diverted money and supplies provided to the orphanages for personal use. Orphaned children in government institutions were not eligible for foreign adoption.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment for up to 3 years.

Persons with Disabilities

There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, particularly veterans; however, many facilities for persons with disabilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities exists.

National/Racial/Ethnic Minorities

The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). School instruction in non-Georgian languages was permitted. A draft language law that would make knowledge of Georgian compulsory for persons employed by state institutions was under discussion in Parliament at year's end.

The State Language Chamber was tasked with organizing free language courses for government employees in regions inhabited by ethnic minorities. During the year, the language courses were organized and planned but were cancelled due to lack of funding. On February 8, the OSCE announced a project to support government programs to teach the Georgian language to ethnic minorities.

Section 6. Worker Rights

a. The Right of Association

The Constitution and the law provide for the right of citizens to form and join trade unions, and workers exercised this right.

The principal trade union confederation was the Amalgamated Trade Unions of Georgia (ATUG), which was the successor to the official union that existed during the Soviet period. The ATUG consisted of 31 sectoral unions. The organization officially claimed 600,000 members, but acknowledged that the number of active, dues-paying members was lower. The union had no affiliation with the Government and received no government funding (except for support to send 200 children each year to summer camp).

The ATUG was involved in a legal action with the Government regarding the Palace of Culture, which the ATUG inherited when the Soviet Union collapsed. In 1998 the Constitutional Court awarded the property to the ATUG, but in 1999 a lower court ruled that the ATUG had no rights to the property. On May 30, following a number of court decisions, a decision was made that the union had no right to discuss the issue in its council meeting. The ATUG met with the Justice Council, which confirmed that this decision violated the law, the Constitution, and ILO regulations. The president of the ATUG continued to speak out on the issue, and in 2001 the city prosecutor opened a case against the president for violating the findings of the court. Both cases remained ongoing at year's end.

There were two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia Solidarity (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees, which was formed in Tbilisi in 2000.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its national unions reported frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline, and port facilities, and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints, but no action had been taken against any employers by year's end.

There were no legal prohibitions against affiliation and participation in international organizations. The ATUG was a full member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively

The Constitution and the law allow workers to organize and bargain collectively, and some workers exercised this right; however, the practice of collective bargaining was not widespread.

During the year, the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Energy workers went on strike to demand unpaid wages and increased salaries.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and provides for sanctions against violators; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The state minimum wage was raised in 1999 to \$10.80 (20 GEL) a month. There was no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Salaries often were supplemented by unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products.

The old Soviet labor code, with some amendments, still is in effect. The law provides for a 41-hour workweek and for a weekly 24-hour rest period. The Government workweek often was shortened during the winter of 2000 due to the continuing energy crisis. The labor code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons specifically, although trafficking could be prosecuted under laws prohibiting slavery, forced labor, illegal detention, and fraud; the country was both a source and transit country for trafficked persons. There were unconfirmed reports that government customs and border officials were involved in the trafficking of persons.

The Government prosecuted some traffickers using fraud statutes, but otherwise had no active programs to address the problem of trafficking. A government program for combating violence against women included a

proposal for measures to eliminate trafficking in women for the purpose of sexual exploitation; however, it has not been implemented due to budgetary constraints.

During the year, the MOIA created a seven-person unit specifically to combat trafficking. The unit received support from the American Bar Association Central and Eastern European Law Initiative, the International Organization for Migration (IOM), and other organizations. Local NGOs (Women for the Future, Peoni, and People's Harmonious Development Society) worked closely with the Public Defender's office, the body primarily responsible for prosecuting criminal cases involving trafficking.

Women primarily were trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many worked in the adult entertainment sector or as prostitutes. There also was evidence that Russian and Ukrainian women were trafficked through the country to Turkey, sometimes using fraudulently obtained passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes. The country was generally not a destination place for trafficked persons.

Trafficked persons often were lured by jobs abroad offered through tourism firms and the media; employment agencies falsely advertised jobs as au pairs, models, and housekeepers. For example, many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they actually would be employed as waitresses in bars and restaurants or as domestic help.

On July 15, Nugzar Sulashvili was the subject of an armed attack on his family at his home in Tbilisi. Sulashvili was the chairman of the NGO Center for Foreign Citizens' and Migrants' Rights and Security (FCRS). The attacker was detained by the police but released quickly; the police reportedly refrained from initiating an investigation. Sulashvili's NGO worked against trafficking and over the past two years provided victims with legal, medical, psychological, and financial assistance. The organization also pointed out possible government involvement in trafficking. During the past 3 years several acts of vandalism were perpetrated against the NGO; 7 criminal cases were brought to the attention of the police, but none were investigated. On May 13, unidentified persons attacked and beat Sulashvili on his way home. The attackers reportedly warned him that he should cease to investigate activities about employment firms participating in trafficking.

There were no government programs to help victims; however, there were several NGOs involved in aiding its victims. One internationally funded NGO opened a hotline offering psychological support and assistance to victims. In 2000 the NGO Women Aid Georgia received international funding and launched a widespread public information campaign to educate women about the dangers of trafficking. The IOM also worked on trafficking problems in the country. Victims who had returned to the country reported problems resuming normal life.